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The current settlement with Microsoft does nothing to further the public interest. The weakest aspect of the settlement is the 3 person group who is to review MS behavior and technology. Historically such entities tend over a relatively short period of time to become captives of the industries they attempt to regulate. Further no three humans are capable of giving the kind of detailed oversight that would be needed to thoroughly vet the masses of code that MS has released in products over the years.

The settlement also does nothing to punish MS for the monopoly behavior that the company was found guilty of. Indeed with the consent given to the settlement to MS embrace and extend tactics coupled with the massive cash reserves of the company mean that MS can engage in a flurry of acquisitions that will further extend their monopoly. They can acquire companies on the cutting edge of web services standards development and take those standards private. With relatively few changes they can effectively make an emerging public standard a proprietary one. Leaked internal documents already have articulated this strategy on MS's part. To inhibit this kind of behavior, the company should be fined at least half of the cash reserve they have accumulated because their conviction as a monopolist taints the profits that the company has received since the release of Windows 3.0.

The courts should also vacate all existing agreements that allow MS any advantage in terms of getting their OS loaded on a PC. Further MS should be prohibited from making any such agreement in the future.

Finally only some kind of disclosure that prevents MS from arbitrarily changing libraries and their interfaces is needed to prevent MS from capitalizing on the inherent advantage that application developers have if they work for the company that produces the Operating System.

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